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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)

Amendment of Section 73.202)

FM Table of Assignments)

(Utica, Hazelhurst and)
Vicksburg, Mississippi))

MM Docket No. 93-158
RM-8239

To: Chief, Policy and Rules Division

REPLY COMMENTS

St. Pe' Broadcasting, Inc. ("St. Pe' Broadcasting"), licensee of WJXN(FM), Utica, Mississippi, herewith submits its Reply Comments in response to the Commission's Notice of Proposed Rulemaking (DA 93-600), released in the above proceeding on June 16, 1993, as follows:

On May 7, 1993, St. Pe' filed its Comments and Counterproposal in which it requested, in lieu of the the substitution of Channel 265C3 for 225A at Utica, Mississippi, as proposed in the referenced Notice of Proposed Rulemaking, that the Commission substitute Channel 265C2 for Channel 225A at Utica, Mississippi, and modify WJXN(FM)'s license, accordingly.

In its Comments and Counterproposal St. Pe' reiterated its intention to promptly prepare and file the necessary Application for Construction Permit and, having obtained authorization to do so, to promptly construct the facilities requested. Likewise, St. Pe' pledged to reimburse the licensees of WBBV(FM) Vicksburg,

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and WMDC(FM), Hazelhurst, Mississippi, for their reasonable costs incurred in implementing the requested channel substitutions, consistent with Commission policy.

In Comments, purportedly filed on August 9, 1993, Donald B. Brady advanced a competing expression of interest in filing an application for Channel 265C3, if allocated to Utica. However, as reflected in St. Pe's Comments and Counterproposal, the substitution of Channel 265C2 or 265C3 at Utica is an "incompatible channel swap" and, accordingly, competing expressions of interest may not be accepted. See: Blair Nebraska, Et. Al., 8 FCC Rcd. 4086, 4088 (June 16, 1993).

In Comments filed on August 9, 1993, Willis Broadcasting Corp. reported that it has an application pending, seeking Commission consent to the assignment of WJXN(FM)'s license to it from St. Pe'. In its Comments Willis Broadcasting Corp. indicated its support for the FM channel substitutions proposed in the Notice of Proposed Rulemaking, as well as the substitution of Channel 265C2 for 225A at Utica, Mississippi, as proposed in St. Pe's Comment and Counterproposal, and further indicated that, should the Commission substitute Channel 265C2 or 265C3 for 225A at Utica, Mississippi, and should it become the licensee of WJXN(FM), it will prepare and file the appropriate application and that it will undertake responsibility for reimbursing the licensees of WBBV(FM) Vicksburg, and WMDC(FM), Hazelhurst, Mississippi, for their reasonable costs incurred in implementing the channel substitutions, consistent with Commission policy.

Neither petitioner, St. Pe', nor its counsel were served with any other comments or counterproposals with respect to the proposal advanced in the above referenced Notice of Proposed Rulemaking. Sections 1.415 and 1.420 of the Commission's Rules require that all such comments and counterproposals be served on the petitioner. Pursuant to the provisions of those Rules any comments or counterproposals which are not so served are not subject to being considered. Thus it would appear that only St. Pe's Comments and Counterproposal and the Comments of Willis Broadcasting Corp. are subject to consideration in this proceeding, inasmuch as the competing expression of interest filed by Donald B. Brady may not be considered under the circumstances of this case and no other comments or counterproposals were served on Petitioner.

Therefore, inasmuch as the channel substitutions proposed in its Comments and Counterproposal would allow for improved FM service and can be implemented in compliance with Commission Rules, St. Pe' urges the Commission to adopt the Channel substitutions advanced in its Comments and Counterproposal.

WHEREFORE, for the foregoing reasons, the Commission should amend Section 73.202 of its Rules by (a) deleting Channel 265C3 at Hazelhurst, Mississippi, (b) substituting FM Channel 265C2 for 225A at Utica, Mississippi, and modifying the authorized facilities of WJXN(FM), Utica, Mississippi, to specify operation on 265C3, (c) substituting FM Channel 225A for 265A (as licensed) at Hazelhurst, Mississippi, and modifying the authorized

facilities of WMDC(FM), Hazelhurst, Mississippi, to specify operation on 225A, and (d) substituting FM Channel 267A for 266A at Vicksburg, Mississippi, and modifying the authorized facilities of WBBV(FM), Vicksburg, Mississippi, to specify operation on 267A.

Respectfully Submitted,

ST. PE' BROADCASTING, INC.

By: 

Timothy K. Brady
Its Attorney

P.O. Box 986
Brentwood, TN 37027-0986
(615) 371-9367

August 24, 1993

CERTIFICATE OF SERVICE

I, Timothy K. Brady, hereby certify that I have on or before the 24th day of August, 1992, served a copy of the foregoing Reply Comments by First Class mail, postage prepaid upon the following:

Michael C. Ruger, Chief
Allocations Branch
Policy and Rules Division
2025 M Street, NW, Rm. 8010
Washington, DC 20554

Copiah County Broadcasting Co.
WDMC(FM)
P.O. 680
Hazelhurst, MS 39083

A. Wray Fitch, Esq.
Gammon & Grange
8280 Greensboro Drive
McLean, VA 22102
(Counsel for Bishop Broadcasting, Inc.,
licensee of WBBV(FM), Vicksburg, MS)

Donald B. Brady
5880 Ridgewood Road, No. D-40
Jackson, MS 39211

Bishop L.E. Willis, Sr., President
Willis Broadcasting Corp.
645 Church Street, Suite 400
Norfolk, VA 23510-2809


TIMOTHY K. BRADY